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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD HEBERT,

Defendant.

CASE NO. 2:14-cr-00140-MCE

**STIPULATION REGARDING
EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

Defendant Richard Hebert, by and through Linda M. Parisi, his counsel of record, and plaintiff, by and through its counsel, Matthew G. Morris, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 19, 2015.
2. By this stipulation, the defendant now moves to continue the status conference until April 23, 2015, at 9:00 a.m. and to exclude time between February 19, 2015 and April 23, 2015 and under Local Code T4. The United States does not oppose this request.
3. The parties agree and stipulate, and request that the Court find the following:
 - a. The United States has represented that the discovery associated with this case includes investigative reports and related documents.

b. Counsel for Mr. Hebert need additional time to consult, to review discovery, and to discuss potential resolutions, including setting the matter for trial.

c. Counsel for defendant Mr. Hebert believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d. The United States Attorney agrees to the continuance.

e. All counsel agrees to the continuance.

f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 19, 2015 and April 23, 2015, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local CodeT4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: February 13, 2015

Respectfully Submitted,

/s/ Linda M. Parisi by e-mail authorization

Linda M. Parisi
Attorney for Richard Hebert

Dated: February 13, 2015

BENJAMIN B. WAGNER
United States Attorney

/s/ Linda M. Parisi by e-mail authorization

Matthew G. Morris, Assistant U.S. Attorney
Attorney for Plaintiff

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ATTORNEY FOR: Richard Hebert

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

RICHARD HEBERT

Defendant,

Case No. 2:14-cr-00140-MCE

[PROPOSED] ORDER

Based on the reasons set forth in the stipulation of the parties filed on February 13, 2015, and good cause appearing therefrom, the Court adopts the stipulation of the parties in its entirety. IT IS HEREBY ORDERED that the status conference currently set for February 19, 2015, be vacated and that a status conference be set for April 23, 2015, at 9:00 a.m. The Court finds that the ends of justice to be served by granting a continuance outweigh the best interests of the public and the defendants in a speedy trial. Accordingly, IT IS HEREBY ORDERED that, for the reasons stated in the parties' February 23, 2015 stipulation, the time within which the trial of this matter must be

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1 commenced under the Speedy Trial Act is excluded during the time period of February 19, 2015,
2 through and including April 23, 2015 pursuant to 18 U.S.C. §3161(h)(7)(A) and (B)(iv) and Local
3 Code 25.

4 IT IS SO ORDERED.

5 Dated: February 18, 2015

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8 MORRISON C. ENGLAND, JR., CHIEF JUDGE
9 UNITED STATES DISTRICT COURT
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